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ABSTRACT

This report summarizes data collected from all responding departments with school construction facilities budget responsibility in 49 of the 50 sates (Wyoming excluded). Each of the 49 states was asked to participate in the update of the survey, which was last compiled in 1999. Data are presented in two formats. The first is broken into categories describing the background of school construction issues, school funding programs, key policy questions, and a list of states with legal challenges to school construction programs, both current and resolved. The second is a collection of data for each individual state. In this section there is information on these issues: administering agency; current appropriate; dedicated revenue; funding sources; local matching requirement and related funding source; eligibility criteria; priority factors; specific criteria; and recent or pending legal actions and outcomes. The report includes data from 45 states, 36 of which are currently operating state funded school construction programs. Nine states do not currently have such programs. Six states have established a new agency to oversee school construction in the state, and 10 states have established formulas for determining the amount of state funding each school district receives. Four states require the governor and the state legislature to approve all school construction projects before state funding is made available, and 11 states subsidize, reimburse, or match local funding for construction projects. (SLD)

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ED 479 002

UPDATE OF SCHOOL CONSTRUCTION ASSISTANCE PROGRAMS SURVEY

for

WYOMING STATE LEGISLATURE

Updated:
August 23, 2001

MGT of America, Inc.
1607 Cooper Point Road NW
Olympia, WA 98502

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UPDATE OF SCHOOL CONSTRUCTION ASSISTANCE PROGRAMS SURVEY

INTRODUCTION

The following information summarizes data collected from all responding departments with school construction facilities budget responsibility in 49 of the 50 states (Wyoming was excluded). Each of the 49 states was requested to participate in the update of this survey (data last compiled in spring of 1999).

This data is presented in two distinct formats. The first is broken into categories describing the background of this issue, school funding programs, key policy questions, and a list of states with legal challenges (current and resolved). The second is a collection of individual data for each state. In this section is found information on the following funding issues: the administering agency, current appropriation, dedicated revenue, funding source(s), local matching requirement and related funding source, eligibility criteria, priority factors, specific criteria, and recent (within the past eight years) or pending legal actions and the resulting outcome. Some of these legal actions are in process and where this is the situation a status report is given.

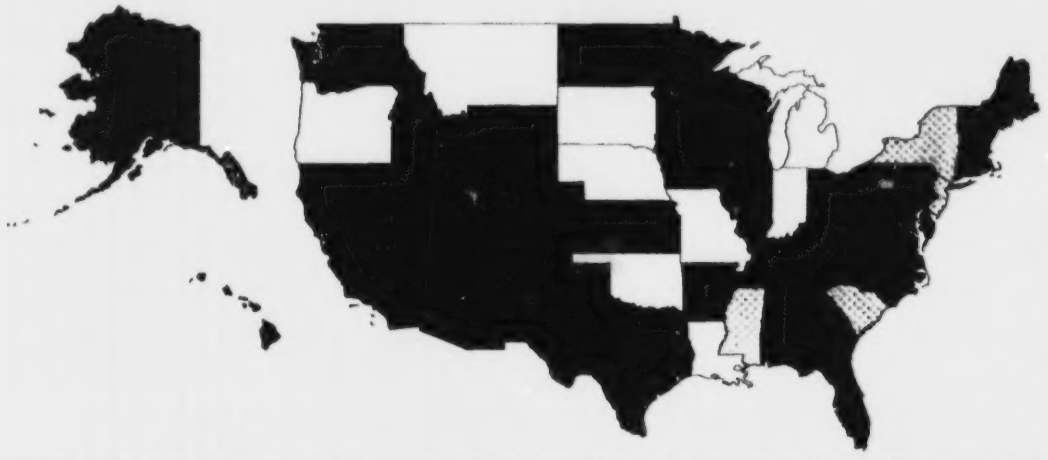
This survey includes participation from 45 states. The thirty-six states currently operating state funded school construction programs are; Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wisconsin. Three of the 45 states (Iowa, Maryland, and Minnesota) who did not report having programs in place when this survey was conducted in 1999, now have state operated school construction programs. Nine of the participating states are not currently set up with this type of funding program (Indiana, Louisiana, Michigan, Missouri, Montana, Nebraska, Oklahoma, Oregon and South Dakota), therefore, do not

have this data to include. The four states which have not yet responded to this update request are Mississippi, New Jersey, New York, and South Carolina. [Please see Exhibit 1, next page.]

The National Governor's Association Center for Best Practices relays the following highlights: six states have established a new agency to oversee school construction within the state (Arizona's School Facilities Board was borne of a court decision in 1994), ten states have established formula for determining the amount of state funding each school district receives, four states require the Governor and the state legislature to approve all school construction projects prior to state funding being made available, and eleven states subsidize, reimburse, or match local funding for construction projects.

EXHIBIT 1
PRESENCE OF FINANCIAL ASSISTANCE PROGRAMS
FOR SCHOOL CONSTRUCTION

Response	Response rate (%)	Legend
State has program	72%	*AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, ID, IL,IA, KS, KY, MA, MD, ME, MN, NC, ND, NH, NM, NV, OH, PA, RI, TN, TX, UT, VA, VT, WV, WA, WI*
State does not have program	20%	*IN, LA, MI, MO, MT, NE, OK, OR, SD*
No data received	8%	*MS, NJ, NY, SC*



BACKGROUND

School facility construction's largest source of funding is typically local construction bonds. Passing education bond issues always has been a challenge for local districts. Some citizens, especially in aging communities, don't want more of their tax dollars going to schools. Others claim if schools were more efficient their taxes would not need to be raised. In general, local districts contribute close to 44 percent, the bulk of which is obtained from local property taxes. Roughly six percent is acquired through federal monies.

State school budgets vary in how they are financed and who administers the funds. The amount of money spent on each U.S. school age child ranges from state to state with reported figures of $1500 to $15,000, dependant upon state funding program(s) and/or the financial status of that child's district. Average annual construction expenditures range widely, too, from a reported $934 in Nevada to $37 in Connecticut.

The growing trend throughout the nation is a challenge of state funding equity and equalization issues in all levels of the court system. Nine states are known to have final decision rulings made by the state Supreme Court pronouncing the funding system unconstitutional. The legislatures of these nine states, Kansas, Kentucky, Massachusetts, Minnesota, Missouri, Montana, New Jersey, Tennessee, and Texas, have enacted new funding formulas which entail variations on the common theme of raising, recapturing and redistributing taxes to an end of achieving an "equitable and adequate" educational system. The increase in taxes affect statewide property taxes, sales taxes, and federal income tax filing changes. The state of Missouri has secured an additional source of revenue by authorizing budget cuts in other areas.

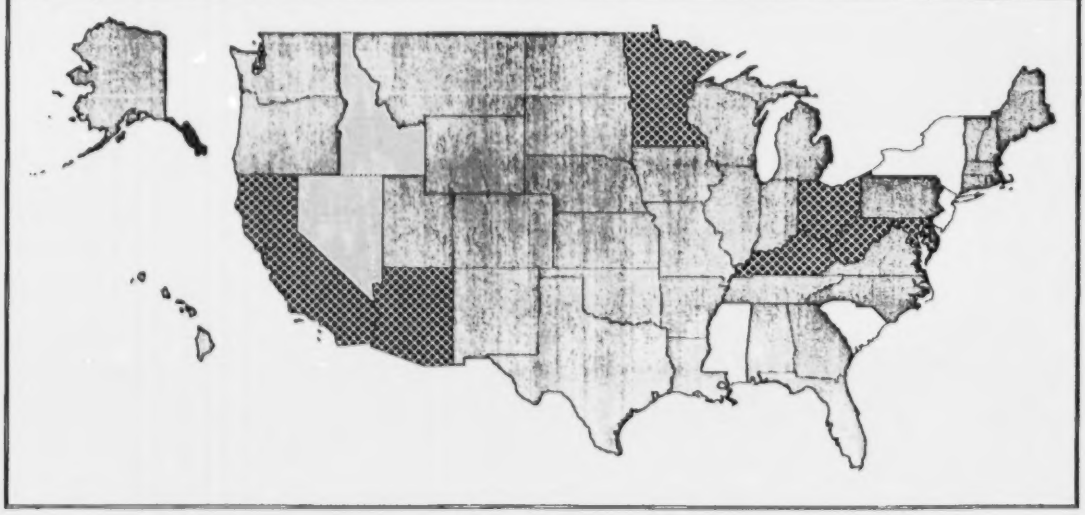
As part of this major overhaul of funding formulas, provisions were often made to ensure that the school funding system did not receive less than it had the previous year. Local monies can still be raised by school districts, but the amount raised by this method is capped at an amount 25%-30% above a district's student spending level. The student spending levels vary widely between the states. Local districts are often required to levy a minimum tax rate to participate in the state aid program. Also of continued importance is the pursuit of parity between the urban, low-wealth districts, and wealthy districts with the inequities largely due to heavy reliance on local property taxes for schools. This issue is cited in 11 of the 23 states now involved in litigation with the related issue of discrimination due to race named in five states.

The agency solely responsible for administering school facility construction funds is, in the majority of the states, the Department of Education. A few states have named a fiscal organization along with their Department of Education to oversee the process of managing these

funds (Hawaii added the Department of Accounting and General Services, Illinois; the Capital Development Board, North Carolina; the Governor's Office, and Washington; the Superintendent of Public Instruction). This group accounts for 27 of all responding states. Seven states have created a new administering body(ies) (Arizona; School Facilities Board, California; State Allocation Board and the Office of Public School Construction, Kentucky; School Facilities Construction Commission, Maryland; Interagency Committee on School Construction, Minnesota; Commission of Children, Families & Learning, Ohio; The Ohio School Facilities Commission, and West Virginia; School Building Authority), and a couple have placed the charge with a single office other than the Department of Education (Idaho; Office of the Treasurer and Nevada; Department of Administration). . [Please see Exhibit 2, below.]

EXHIBIT 2
ADMINISTRATING AGENCY TYPE

Agency	Percent	Legend
Department of Education	75%	*AL, AK, AR, CO, CT, DE, FL, GA, HI, IA, IL, KS, MA, ME, NC, ND, NH, NM, PA, RI, TN, TX, UT, VA, VT, WA, WI*
Newly Created Administering Body(ies)	20%	*AZ, CA, KY, MD, MN, OH, WV*
Office other than the Department of Education	5%	*ID, NV*



SCHOOL FUNDING PROGRAMS

Below are five descriptions of common school facility funding programs now operating in the US (source; www.ecs.org Finance—Facilities—"What States Are Doing"). Also listed are the states now known to administer these programs. Several states use a combination of programs.

Flat Grants: Program provides school districts a certain amount of financing for capital costs. The funds can be distributed on a per-student basis or as a grant to a school district. Three states (Alabama, Kentucky, and Virginia) use this structure.

Equalized Funding: This method provides capital outlay funds to schools based on their wealth. The percentage of cost of a facilities program the state pays is in direct relation to the district's wealth. The higher a district's wealth; the lower the percentage paid, and vice versa. This is the most prevalent program and currently operates in 20 states (Alabama, Connecticut, Delaware, Georgia, Illinois, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, New Mexico, Ohio, Pennsylvania, Rhode Island, Texas, Utah, Virginia, Washington and Wisconsin).

Grants Based on Need: State provides grants to low-wealth school districts that do not have the financial ability to finance their needed capital outlay projects. This is the second most popular system accounting for funding programs in ten states (Alaska, Arizona, California, Florida, Georgia, Minnesota, New Mexico, Vermont, West Virginia, and Tennessee).

Basic Support: States provide school districts with an amount of funding per student based on the district's wealth. These funds are distributed to districts each year regardless of their facility needs. The seven states who employ a basic support program like this are Arizona, Arkansas, Colorado, Nevada, New Hampshire, North Carolina, and North Dakota.

Full State: The state provides for 100% of capital cost. Two states are known to utilize this arrangement, Arizona and Hawaii.

An inventory of each state and which program they currently employ is found in the section of this survey entitled State Program Inventory.

Descriptions of states with resolved legal challenges are contained in the second part of the section entitled "States with Legal Challenges."

KEY POLICY QUESTIONS

The Education Commission of the States suggests these key policy questions for policymakers in assessing the facilities needs:

1. How are changes in population affecting the need for new buildings or for renovation? How does this vary across the state, and what is the effect of the variation?

2. How many school facilities does the state have? How does the number of schools compare to projected numbers of students?

3. What is the condition of schools within the state? Are there uniform criteria to determine their condition? How are maintenance and repairs treated in the budget process?

4. What is the average age of school buildings? What was the history of building patterns in previous periods of growth and decline?

5. What is the real and/or estimated impact of state and federal policy and program reforms on facilities? (Charter schools? Class-size reduction? Technology requirements? Americans with Disabilities Act?)

6. What has been the success of local district efforts to raise funds for school facilities. Does the responsibility for financing construction and maintenance affect schools and districts differently? What state policies restrict local efforts to raise funds for school facilities? What state policies support local efforts to raise funds for school facilities?

STATES WITH LEGAL CHALLENGES

Occurrences of lawsuits brought against the state by school districts banding together are quickly increasing. Factors involved in this widespread phenomena include aging school facilities, increased numbers of students enrolled due to the baby boomer generation now becoming parents of school age children, and the issue of school construction becoming an area of local and national focus. Also, much emphasis is being placed on the role played by the condition of

the facility in which a student is taught with respect to that student's quality of education. Studies have been spotlighting this aspect to such a degree that it is now a significant component of the equity issue. Currently 22 states are embroiled in major suits involving education finance.

The second part of this section summarizes information about the solutions found for the nine states in which the State Supreme Court ruled the school finance funding system unconstitutional.

The following information was gleaned from several overviews of Capital Construction Finance , Education Week, and ECS StateNotes, Finance Litigation, and from speaking with state program administering agency directors.

STATES IN LITIGATION

Alabama

The constitutional statement in Article XIV, provides as follows: "The Legislature shall establish, organize, and maintain a liberal system of public schools through the state for the benefit of the children thereof between the ages of seven and twenty-one years." The education finance reforms passed by the Legislature in 1995 have yet to be tested in the Court to see if they conform to the judicial standard of an equitable and adequate educational opportunity.

Alaska

Superior Court judge ruled that the state's rural schools receive inequitable and inadequate funding for facilities. The judge also agreed with the plaintiffs' claim that the system discriminated against Native Americans. In his 2000 State-of-the-State, the governor proposed a $550 million school bond package to address the school facilities issue.

The plaintiffs argued that inequality of funding deprives districts of providing an adequate education. Further, they claimed that the funding system violates Title VI as it has a disparate impact on Alaska Natives, which make up the vast majority of rural school enrollment.

Arkansas

The Chancery Court gave the state two years (until 1996) to redesign the funding system, at which time the court would review the plan and issue a final ruling. The state established a 25-mill statewide property tax rate for schools and equalize property tax by redirecting funds from wealthy to poor districts. The case has undergone a series of legal proceedings, but has never been fully resolved.

California

Currently grappling with suits charging that the state has shortchanged some students in low-wealth districts. Godinez v. Davis et al has settled pending a decision of the $ amount to be awarded. The case, Corona Norco USD, et al. v. State Allocation Board et al. has been remanded from the Supreme Court back to the Los Angeles Superior Court. The case was scheduled to be heard August 8, 2001. Findings forthcoming.

Colorado

Eleven, primarily rural, districts filed a lawsuit charging the state's system for funding school construction is unconstitutional. Plaintiffs claim that the state inadequately funds capital expenditures, leaving low-wealth districts with dilapidated buildings and no funding for improvements.

Connecticut

With the backing of 12 cities and towns, families of seven school children filed a lawsuit claiming that the funding system created inequities, in particular, through a provision that sets funding caps designed to limit spending. The plaintiffs claim that the provision creates a reliance on local property taxes to fund schools.

Florida

In 1999, the appellate Court dismissed the plaintiffs appeal, stating that their arguments lacked sufficient evidence.

In 1997 and 1998, the District Court dismissed the lawsuit, stating that the plaintiffs' claims were moot and they did not have standing as an unincorporated association of parents to pursue litigation. In 1995, a lower court dismissed this equity/adequacy lawsuit, stating that school finance is a legislative issue.

Plaintiffs claim that the district discriminates against minority students by not equitably and adequately distributing resources.

Idaho

In 1998, the State Supreme Court declared that "equity" is not an issue in Idaho because the constitutional language focuses on "thoroughness," which the court interpreted as a minimally adequate education. The court remanded the case to the District Court to determine whether the funding system provides an adequate and safe system of schools.

Despite a new finance formula and increased funding passed in 1994, plaintiffs claim that the funding system is too reliant on local property taxes, and the state doesn't provide adequate funds for general operations or facilities. A different lawsuit, based on equity, was withdrawn in 1994 when changes were made to the funding formula.

Illinois

A 1999 State Supreme Court decision affirmed circuit court decision rejecting the plaintiff's claims and stated that questions related to the quality of education are generally for the

legislature. However, the court remanded the case, giving the plaintiffs a chance to amend their complaint to allege violations of the School Code.

In 1997, a District Appellate Court reinstated a lawsuit that was dismissed by the circuit court in 1995, saying that a trial should determine whether children are receiving a "minimally adequate" education. The school board then asked the attorney general to appeal the decision to the State Supreme Court.

The ACLU case claims that the state and the East St. Louis school district fail to provide an adequate education for the city's children.

Kansas

Fourteen districts filed a lawsuit in U.S. District Court in Wichita on civil rights grounds, claiming the states' school aid system discriminates against minority and disabled students. Plaintiffs contend that the funding formula favors small and large districts by providing additional funding for these students, but does not provide mid-size districts with their fair share. The state filed a motion to dismiss the case. A few months after the case was filed, the U.S. Department of Justice urged the U.S. District Court to hear the lawsuit.

Massachusetts

In 1978, a suit challenging the fairness of the Commonwealth's school finance system was initiated against the Commonwealth on the behalf of pupils in a group of low-wealth communities. In 1993, 15 years after the initial complaint, the Massachusetts Supreme Judicial Court supported the plaintiffs in McDuffy v. Secretary of Education, 615 N,E,2d 516 (Mass. 1993), holding that the Commonwealth had failed to meet its constitutional obligation (see second section, below, "States with Legal Resolutions" for details regarding the McDuffy case).

The Education Reform Act of 1993 was passed by the Legislature just a few days prior to the McDuffy finding. Since then, the case has remained open under the jurisdiction of a single Justice of the Massachusetts Supreme Judicial Court, but the plaintiffs have not initiated any further activity in recent years. However, in 1998 a separate case, Lopez v. Board of Education, was filed on behalf of pupils in six Cape Cod communities. The plaintiffs asked the Supreme Judicial Court to declare that the defendants have failed to provide sufficient state aid to their communities in adherence with the guidelines set forth in the McDuffy finding.

Minnesota

In July 1999, the school board voted to withdraw the "educational adequacy" lawsuit after reaching an agreement with the governor. Board members believe they will be able to pursue adequate funding without court action.

St. Paul School District filed lawsuit claiming that resources are not available to provide an "adequate" education based on state academic standards and performance requirements. Plaintiffs based claim on 1993 Skeen v. Minnesota case in which court determined all students had the right to adequate education (see this case in section, "States with Legal Resolutions," below).

New Jersey

The commissioner of education divided the districts into two groups. One group was directed to the administrative law judge to begin the fact-finding process. The other group was given additional time to gather more evidence to support their claims.

Group two's case is now under review by the state education commissioner. This group consisted of 20 rural school districts who filed a lawsuit claiming that the state does not provide them with enough money for a "thorough and efficient education," or to meet the state's new performance standards. Poverty rates, test scores and graduation rates similar to the 28 urban "special needs" districts have been part of an ongoing lawsuit (case *Stubaus v. Whitman*, follows). Further, the plaintiffs argue that they do not have the capacity to raise spending to the level of the state's wealthiest districts.

This case, *Stubaus v. Whitman*, was filed in Superior Court in 1998 and dismissed in February, 2000. Twenty-five middle-income districts sued the state claiming the funding system creates wide disparities in local property tax rates. Plaintiffs claim the funding system relies too heavily on property taxes, creates unequal tax burdens and forces certain districts to levy high tax rates to meet state academic standards. They do not seek to close spending gaps or claim inadequate funding.

New Mexico

In 1998, Plaintiffs (Zuni Public School District and students by and through their parents) filed their First Amended Complaint against the State of New Mexico for Injunctive Relief, Violation of Constitutional Rights, and Monetary Relief in the Eleventh Judicial District (McKinley County); a Second Amended Complaint naming Michael Davis as Defendant was filed in December, 1998. The Complaint alleged that the statutory scheme of the State of New Mexico with respect to capital improvements violates Article XII, Section 1 of the Constitution of the State of New Mexico "in failing to provide for a unified system of funding non-operational educational needs, which failure imposes upon the students of the Zuni Public School District and the Zuni Public School District a distinct educational disadvantage." Further complaints were filed and withdrawn and filed again and countered with a Notice of Removal to the United States District Court.

In 1999, United States District Judge Martha Vasquez filed a Memorandum Opinion and Order granting Plaintiffs' motion requesting their claims be litigated in New Mexico's courts. A subsequent hearing on all pending motions was held on June 30, 1999. From this date, the court gave the defendants nine and a half months in which to establish and implement a uniform funding system for capital improvements for New Mexico School districts and for correcting existing past inequities, all to be within the mandates of Article XII, Section 1 of the New Mexico Constitution.

Former New Mexico Supreme Court Justice Dan McKinnon has been appointed as the Special Master in this matter. Justice McKinnon has established a scheduling order, providing that a three-day hearing will be held October 24-26, 2001.

New York

In 1995, plaintiff's filed two cases that challenged the constitutionality of the school finance system. Forty districts argued that the gap in spending between low-wealth and wealthy

districts was evidence of gross inadequacies in the education available to many of New York's students. The state countered by arguing that funding inequities are not indicative of inadequacies in educational opportunities. The New York State Court of Appeals ruled in favor of the state. The Court held that the plaintiffs failed to demonstrate that students in districts of low-wealth received less than a "sound basic education" as mandated by the state's education clause (N.Y. Const. Art. XI).

In the second case, the plaintiffs argued, among other things, that the state's school finance system failed to provide students in the New York City school district with a "sound basic education." The plaintiffs pointed to the inadequacies in physical facilities, supplies and materials, teacher quality, and curricular offerings to support their claim. The Court of Appeals acknowledged the sufficiency of the plaintiff's claim and granted CFE consent to pursue a constitutional challenge to New York's education finance system. The trial began in 1999.

North Carolina

First phase of trial interpreted constitutional language related to education. Trial court ruled that the constitution required access to basic and equal education. The Appeals Court ruled that the system only needs to provide access to 'basic education.' The State Supreme Court affirmed access to the basic education ruling, but not to equal dollars or opportunity. The Superior Court will determine whether the funding system meets access to basic education criteria.

Eleven school districts claim the school finance system is inequitable and inadequate. Six urban districts joined the lawsuit filed by five rural, low-wealth districts.

Oregon

The Appeals Court reversed a County Circuit Court decision which ruled the funding system unconstitutional by providing fewer dollars to some districts than to others. The judge suggested that the legislature was not moving quickly enough to narrow spending gaps. Plaintiffs have petitioned for review with the State Supreme Court.

Pennsylvania

Philadelphia school district, along with civil rights groups, the city and parents, claim the state aid system discriminates against the district's students because it leaves them with less funding than students in other systems. The lawsuit also notes that 80% of Philadelphia's students are racial and ethnic minorities. This case was dismissed by a lower court and has now been reinstated to the Federal Court of Appeals, allowing the case to go to trial.

Rhode Island

Twelve suburban and rural districts filed a lawsuit claiming that the state's attempt to equalize school funding placed an unfair tax burden on these districts (Exeter, et al. v. State of Rhode Island, et al.). This case was filed in 1999.

South Carolina

A lawsuit was filed in 1993 and subsequently dismissed by a lower court, but plaintiffs appealed. This lawsuit began with 30 districts and by 1999 totaled 37 districts and 60 parents. In 1999,

the State Supreme Court clarified constitutional language and ordered a trial court to determine whether the state is providing an adequate education.

West Virginia

In 1994, plaintiffs filed a lawsuit claiming that the state had not satisfied 1982 court decision requirements for an Education Master Plan. In 1997, a specially appointed judge updated a 1982 State Supreme Court ruling on educational equity and gave the state a year to draft a more equitable funding system. As with the 1982 court ruling, the judge declared that the funding system violated the state's constitutional "thorough and efficient" clause. He credited the state with making several changes to improve educational and fiscal disparities, but stated that these changes have not gone far enough to address inequities between districts.

Wisconsin

In 1997, a coalition of more than 100 school districts claimed the school funding formula was inequitable, primarily due to heavy reliance on local property taxes for schools. A County Court judge upheld the school funding system as constitutional stating that the plaintiffs failed to present "very strong evidence of some basic failure in the operation of the education system." The court also indicated that until the State Supreme Court establishes a reasonably clear and meaningful standard for equal opportunity, the legislature, litigants and lower courts "will be left groping."

STATES WITH LEGAL RESOLUTIONS

Arizona

The case focused on school capital finance and the system was found to be unconstitutional because of the inequities created by the heavy reliance on local property wealth to provide funding to meet the capital needs of school districts. After three attempts to pass legislation to satisfy the Court (in 1996, 1997, and 1998), the Students "FIRST" school capital finance system was enacted, and deemed constitutional by the Arizona Supreme Court, in July 1998.

Kansas

(U.S.D. No. 229 v. State of Kansas)
In a 1991 preliminary opinion, a Kansas district court took an out-of-the-ordinary approach by declaring that property tax revenues should be considered state money, a decision that contradicted the accepted notion that money raised in a district stays in that district. The judge also required the state to focus school funding on children rather than districts.

To respond to the mandate that property tax money is state money, the legislature enacted a statewide property tax rate of 32 mills and established a single, statewide system for collecting and distributing taxes for all school districts. It also included a provision allowing the state to recapture taxes that districts raise above a specified level and redistribute those revenues to other districts. While districts still can raise some local money for schools, that amount is capped at 25% above a district's spending level. The finance plan also set a minimum state aid level of $3,600 per pupil (for 1992) and made adjustments for at-risk students, low enrollment, facilities and transportation.

In 1994, the State Supreme Court upheld changes to the funding formula made in 1992. The court upheld the funding formula, but directed the state to reexamine the district low-enrollment provision of the funding formula. Within a year, modifications were made to the low-enrollment factor and accepted by the court.

Kentucky

(Rose v. Council for Better Education)
In June 1989, the Kentucky Supreme Court handed down a landmark decision by declaring the entire state education system unconstitutional. The decision applied across the board to statutes and regulations. The court did not specify a remedy and instead charged the legislature with re-creating a new, equitable and adequate education system. They summarized these characteristics as guidelines -

- The establishment, maintenance and funding of common schools are the sole responsibility of the General Assembly.
- Common schools shall be free and available to all Kentucky children.
  - shall be substantially uniform throughout the state
  - shall provide equal educational opportunities to all Kentucky children, regardless of place of residence or economic circumstances
  - [shall be monitored by the General Assembly to assure that they] are operated with no waste, duplication, mismanagement or political influence
  - are based on the premise that all children in Kentucky have a constitutional right to an adequate education
- The General Assembly shall provide funding sufficient to provide each child in Kentucky an adequate education, which has as its goal the development of seven capacities.

The decision marked the first time a court clarified a state constitution's education clause by defining an efficient and adequate education. More interestingly, the court's definition of an adequate education focused on student results, rather than sufficient inputs to a system.

The new funding system, enacted by the General Assembly, created a foundation program with adjustments for at-risk students, exceptional students ad transportation costs. A one-cent sales tax increase and federal income tax filing changes were the main funding sources for the reform plan. Local districts are required to levy a minimum tax rate to participate in the state aid program. Local supplements are limited, partially equalized and subject to local voter approval at a specified point.

Massachusetts

(McDuffy v. Secretary of Education)

In mid-1993, the Massachusetts State Supreme Court ruled the state violated its constitution by neglecting its responsibility to provide an adequate education for all students. The court emphasized that the state has primary responsibility for education, although it said local money could be part of the funding equation. Similar to the Kentucky court, the Massachusetts justices laid out seven "capabilities" that an education system must possess.

Minnesota

(Skeen v. Minnesota)
In 1993, the court found that "all plaintiff districts are provided with an adequate level of education which meets or succeeds the state's basic educational requirements." The court also stated that the legislature had taken meaningful steps to improve finance equity and that even though the referendum level (local supplement dollars) creates some unequal funding levels, it does not violate the uniformity requirement of the constitution.

The legislature responded by revising the three finance system components found to be unconstitutional. (1) debt service levies to pay interest on facilities, (2) referendum levies that allow voters to approve additional funding for schools and (3) the supplemental revenue that holds districts harmless that received more revenue under previous formulas.

Missouri

(Committee for Educational Equality v. State)
In January 1993, a circuit court judge ruled the state's school finance formula failed to provide equal educational opportunity for children and lacked adequate funding. The issue addressed the right of a child from a low-wealth district having the same opportunity to receive substantially the same education as a child living in a wealthy district. The court ruled that the Missouri school system should not be permitted to unequally distribute resources (both state and local) among the schools except to provide to either (a) the least advantaged or (b) for specially identified educational needs. The judge directed the legislators to not tinker with the already overly complex system and look at it in its entirety.

The state enacted a broad education reform plan, the Outstanding Schools Act. The new foundation program rewrote the school foundation formula and raised new revenue for equity and reform programs using a local tax levy and a hold-harmless provision to ensure that no school district receives less money than the prior year.

In response to a legal challenge to the Outstanding Schools Act, the State Supreme unanimously upheld the main sections of the plan in December, 1996.

Montana

(Helena Elementary School District No. 1 v. State)
In 1989, the State Supreme Court found the school funding system unconstitutional stating that as a result of failure to fund the Foundation Program adequately, forcing an over-reliance on property tax levies, the state failed to provide equal education opportunities to each student.

The court found that the evidence "clearly and unequivocally" established large interdistrict disparities in student spending not related to "educationally relevant factors."

The legislature took two turns, first in 1990 and again in 1993, to rewrite the funding system. The plan lawmakers passed radically revised the finance system to require all districts to spend between 80 & 100% of an "optimum" funding level. Districts were restricted from spending more than the standard, but the plan prompted property tax increases in many communities to reach the optimum funding level. The system also equalizes school-building funds and includes a special education component that they pay to each district.

New Jersey

(Abbot v. Burke)
In 1990, the State Supreme Court ruled the funding system unconstitutional as it applied to 28 special needs, urban districts. The court directed the state to achieve "substantial equivalence," or near equal spending by wealthy districts and the special needs districts.

After the Quality Education Act was revised in 1991, the State Supreme Court ruled that the legislature had not done enough to eliminate disparities and ruled that funding system unconstitutional, also. In an attempt to respond to this decision, the legislature enacted a new law in 1996. In 1997, the State Supreme Court ruled this plan unconstitutional because sufficient funds were not provided and the model used to set a base funding level was unacceptable. The court required the department of education to study, identify, fund and implement programs to address needs of students in urban districts and to ensure that districts are spending money efficiently.

In 1998, the State Supreme Court issued their final ruling which supported the governor's plan to implement "whole-school-reform," expand preschool programs and address school construction. The court called for a continued pursuit of parity between the urban, low-wealth districts and districts of wealth, but concluded that funding levels should be set by identifiable district needs.

North Dakota

(Bismark Public School District No. 1 v. State)
There has been no challenge to the public school funding system in North Dakota since the case of *Bismark Public School District No. 1 v. State.* In that decision, a majority (three of five) of the justices on the North Dakota Supreme Court agreed with the trial court decision that the system of funding violated the state constitutional provision for a uniform system of public education. However, the existing system failed to be ruled unconstitutional because a supermajority of four out of five justices must agree to such a determination.

Tennessee

(Tennessee Small Schools System v. McWherter)
The Tennessee Supreme Court struck down the school funding system stating that it short-changed small, rural districts and did not provide equal education opportunities to all students. Stating that great disparities have resulted in various districts due to disparities in economic resources among school districts and because such a small portion of state funding is allocated to equalization, the State Supreme Court sent the case back to the trial court to determine if a

recently enacted new funding system, The Basic Education Program, provided adequate remedies. The trial court accepted the state's new system.

Using the new funding formula, the reform programs and equity improvements were funded through a half-cent sales tax increase. Dollars per student are calculated through a fairly specific system, but districts can decide how to spend their state aid.

Texas

(Edgewood Independent School District, et al. v. Meno, et al.)
A 1989 state supreme court decision declared Texas' method of funding public education unconstitutional, stating that "glaring disparities" among districts of wealth and low-wealth existed in terms of their ability to raise and spend funds for education. The court concluded that school districts must have "substantial equal access to similar revenues per pupil at similar levels of tax effort" and focused the solution to school funding on tax revenues rather than per-pupil spending.

After three unsuccessful attempts, the Texas legislature enacted a plan (SB7) requiring the 110 wealthiest districts to choose from five options to lower their property value and share it with neighboring districts. These options include, (a) consolidation of all functions, (b) consolidation of tax bases, (c) detachment/annexation of certain properties, (d) acquiring attendance credits, or (e) educating non-resident students. SB7 attempted to deal with previous funding reductions, lowered the per-student guarantee level and forced many districts to increase property taxes to maintain prior-year spending levels.

STATE PROGRAM INVENTORY

Alabama

The Foundation Program provides capital funds through the Public School Fund on an annual basis. State bond issues are legislated from time to time. The majority of capital funds are generated at the local system level.

Alaska

The Dept of Ed. and Early Dev. distributes funds to the Alaska districts. Each school district is responsible for project design and construction. Appropriations are made on a yearly basis by the legislature. Funding comes from General Fund and/or Special Revenue Bonds.

Arizona

1998 legislation established a centralized state school capital finance system with limited bonding for all school districts. Voter approval required for local bonding.

Arkansas

Majority of facility funding is the responsibility of the local district. Sources of funding include: 1) A set amount per ADM that can be used for renovation or equipment. 2) Average Growth Student Enrollment (AGSE). Districts that exceed the average qualify for additional funding according to ADM. 3) Debt Service Supplement.

California

The School Facility Program provides financing for school construction and modernization of K-12 school facility-related activities. The Leroy F. Greene School Facilities Act of 1998 provides grants to school districts from revenue obtained through the sale of $6.7 billion in state general obligation bonds authorized by the electorate in November, 1998.

Colorado

State is agency responsible for distributing funds to be expended by the district. Governor signed Senate Bill 181 on March 5, 2001. Among other funding categories, a distribution of $134,114 was slated to address county equalization issues.

Connecticut

Local school control rests with local boards. The Dept of Ed. Revies the projects for code conformance. School projects are generally subject to state legislative approval with the exception of those dealing with correction of code violations, roof replacements, or portable classrooms which may be authorized by the Commissioner of Education. The state grant is paid to the districts on a pro-rated share of local expenditures on a current basis.

Delaware

Public schools of the state are maintained and supported by funds appropriated by the general assembly and local tax revenues.

Florida

One of the more comprehensive state-level programs, the Dept of Ed. Maintains an extensive formula-based system to allocate state funds. Although the facility survey, conducted once every five years for each district, is independent of funding, it dictates what can be built. All projects for the district must be recommended during the survey.

Georgia

Program emphasizes local facilities plans. In order for each district to receive its entitlement, each district must file a long-range facility plan with the Dept of Ed. at least every five years. Each district's entitlement is computed by dividing the district's unmet needs by the total unmet statewide needs. The resulting ratio is then applied to the amount of state funds available annually to determine each district's entitlement earnings for that year. An additional level of funding was added in 1994 from which a 'qualified' district may apply for an advance funding loan.

Hawaii

The school system is a department of state government, the Dept of Ed., and embodies elements found at both the state and local levels in other states. Underwriting the cost of school facilities is a government responsibility and allows the state to address questions of equalization directly rather than through funding formulas and matching ratios. The legislature commits $45 million (reduced from $90 million in the 1999 legislative session) a year to school construction through the sale of bonds which are backed by the state general fund.

Idaho

The Office of the Treasurer administers an appropriation for Idaho's school facility construction program of $10 million. This is a revolving fund. Schools must pass bond levies in order to meet certain criteria set about by the legislature. The legislature then implements a sliding scale that the school district must meet to be eligible for funds.

Illinois

A state/local matching bonding program, known as the School Construction Program, was passed by the legislature inn December, 1997 for public school districts. The program is offered for a maximum of $5.1 billion over a five-year period. A provision was also included for Debt Service Grants awards for those districts that sold school construction bonds prior to the passage of the School Construction law. The expenditure of these funds was limited.

Indiana

No state funded School Construction Assistance Programs.

Iowa

Program provides matching funds for school infrastructure projects on a competitive basis. The three-year program provides $50 million for such projects.

Kansas

Funding is based on an equalization formula designed to provide state aid, inversely to the assessed evaluation per pupil.

Kentucky

Three programs are used. In the first, the state funds $100 per child for capital outlay. The second (FSKE) equalizes (up to 150%) the local tax of $0.05/$100. The third program is voluntary and requires each participating district to file a facility plan with the Dept of Ed. Each eligible district is then offered sufficient funding to finance construction of the portion of its unmet need. Allocation is computed by applying the ratio of available state funding to total unmet need statewide to the total unmet need of the district.

Louisiana

Louisiana continues not to have a state run public school capital construction program. The Department of Education is currently administering the federal school renovation program.

Maine

School construction program funds at the same rate as the basic foundation subsidy rate. A "circuit breaker" mechanism is in place, which requires the state to assume the costs when a political unit has existing debt above a certain local mill rate. The rates (subsidy and mill) are calculated each fiscal year. Local school districts identify their own school construction needs and the local voters must approve all projects.

Maryland

Assistance is provided to local education agencies in the financing of renovations and/or additions to existing school and the construction of new schools. Funds are also allocated for systemic renovations, wiring schools for technology, science facility renovations, pre-kindergarten additions, and the movement of state owned relocatable classrooms.

Massachusetts

School districts must borrow for 100% of project cost. The district is then reimbursed for the Commonwealth's share. In order to apply for a grant, the district must file a long-range educational plan and facilities needs assessment with the Dept of Ed.

Michigan

No state funded School Construction Assistance Programs.

Minnesota

Funding comes from General Fund revenue, general obligation bonds, State bonds, and Federal revenue and Federal bonds. Local matching allocation is determined by debt service equalization (tax wealth of the district).

Mississippi

No data available at this time.

Missouri

No state funded School Construction Assistance Programs.

Montana

Montana does not have any state funded School Construction Assistance Programs. All school construction and facility needs are the responsibility of the Local School Districts.

Nebraska

No state funded School Construction Assistance Programs.

Nevada

A new construction program was developed and in operation at the end of 1998. The program was funded by the 1999 legislature. The recently concluded legislative session did not increase the available funding. Other than this effort, all construction, whether new or for renovation, is the responsibility of the seventeen county school districts.

New Hampshire

The Department of Education currently administers $25 million from the state general fund. The expenditure must be for building purchases, new construction, or substantial renovations. The structure of the building construction fund is expected to change within the next few years. At present, it is not equity-based.

New Jersey

No data available at this time.

New Mexico

There are three state sources for school construction. First, Public School Capital Outlay Act which provides for state funding of critical school capital outlay needs, second, Public School Capitol Improvement Act which provides state funds to guarantee a minimum levy amount, and third, direct legislature appropriations for specific projects.

New York

No data available at this time.

North Carolina

There are three funding programs. Public School Buiiding Capital Fund, Public School Building Bond Act of 1996, and Critical Needs School Fund. A long-range facilities plan is required to be submitted to the State Board of Education every five years.

North Dakota

Low interest loans approved from state sources. Loans provide up to 1/3 of project cost or $2.5 million; whichever is less.

Ohio

The Ohio School Facilities Commission (OSFC) currently administers nine (9) programs devoted to school facilities. 1) the Classroom Facilities Assistance Program, 2) the Exceptional Needs Program, 3) the Expedited Local Partnership Program, 4) the Big 8 Program, 5) the Extreme Environmental Contamination Program, 6) the Accelerated Urban Program, 7) the Emergency Assistance Program, 8) the Short Term Loan Program, and 9) the Energy Conservation Program. The Ohio General Assembly recently adopted a proposal by Governor Bob Taft that calls for the expenditure of over $10.2 billion in state funds over the next 11 years to address the needs of all Ohio school districts.

Oklahoma

No state funded School Construction Assistance Programs.

Oregon

No state funded School Construction Assistance Programs.

Pennsylvania

The Commonwealth of Pennsylvania provides state funding for new buildings, as well as renovations and additions to existing buildings, in public school districts.

Rhode Island

State appropriation supports a reimbursement program for completed school construction projects approved by the Board of Regents.

South Carolina

No data available at this time.

South Dakota

No data available at this time.

Tennessee

Capital Funding including basic education. Funding component for Capital Outlay depending on needs. Yearly change depends on enrollment and unit costs.

Texas

State provides assistance to districts in repaying debt that is issued to construct facilities.

Utah

The majority of revenue spent on capital projects comes from local property taxes authorized for school districts. The state provides financial assistance to districts to meet their continuing and critical school building and debt services needs through three programs. 1) Capital foundation base guarantee. 2) Emergency school building needs program. 3) Loan program, minimum levies required, varies by district.

Vermont

A state grant of %30 of total local responsibility for school districts which demonstrate a need – excluding land purchases and moveable equipment and meets State Board of Education's rules.

Virginia

Fifty percent of the appropriation ($55 million FY 2002) money is divided equally amont the 132 school districts. One-half is divided by growth, which is a total between 300,000 and 500,000 per school division per year for two years.

Washington

The state program provides state matching funds to eligible school districts for instructional and instructional support space based upon allocations set by the State Board of Education, with a legislatively established equity formula (based on the districts' assessed property values) directing the percent of the project cost matched.

West Virginia

Each district submits their ten-year Comprehensive Educational Facilities Plan (CEFP) to the SBA and SBE for approval. Each plan prioritizes all projects within a district. Projects are prioritized in accordance with the objective criteria formulated by the School Building Authority (SBA). Local school districts also fund school construction through local bond and excess levy referendums.

Wisconsin

The state contributes to school capital projects through the state equalization formula. Districts receive state equalization aid from the state general fund based on an equalization formula which takes into account the district's operating costs, debt services costs, and equalized assessed property value. The state equalization aid may be used for debt service. The districts have a revenue cap that limits the combined amount of the general aid they receive and the amount of taxes they can levy.

STATEWIDE SCHOOL FACILITIES NEEDS ASSESSMENT SURVEY
COMPARISON OF STATE CONSTRUCTION ASSISTANCE PROGRAMS

ALABAMA

The Foundation Program provides capital funds through the Public School Fund on an annual basis. State bond issues are legislated from time to time. The majority of capital funds are generated at the local system level.

Administering Agency:	Department of Education
Current Appropriation:	$68.4 million – Public School Fund $400 million – State Bond Issue
Dedicated Revenue:	State Advalorem Tax
Funding Source:	Public School Fund, State Bond Issues and Local Revenues.
Local Matching Requirement:	.678228 of one mill of local advalorem tax
Funding Source(s):	Local funds and debt service are generally used for local match.
Eligibility Criteria:	All school systems participate.
Priority Factors:	State bond issue funds must be used to eliminate substandard classrooms and address other capital improvements.
Specific Design Criteria:	General recommendations as provided by the State Department of Education.
Space Standards:	Based on Southern Association of Colleges and Schools (SACS) and space recommendations as provided by the State Department of Education.
Recent or Pending Legal Actions:	Equity Funding Lawsuit (multiple school systems)

ALASKA

The Department of Education & Early Development distributes funds to the Alaska school districts. Each school district is responsible for the design and construction of the project with minimum oversight from the Department. Alaska has a "needs based" school construction program, although the state currently does not have a steady stream of funding available and must rely on year-to-year appropriations from the Legislature. In recent years, funding has ranged from zero to several million dollars. The state does not have any expectation that the needs based ranking will be used as the sole mechanism for allocating funds, but the department has had increasing success in getting the Legislature to adopt this priority list.

Administering Agency:	Department of Education & Early Development
Current Appropriation:	$92,911,000 (FY2001) – Grant $151,019,000 (FY2001) – Debt Reimbursement $76,065,197 (FY2002) – Grant $29,045,900 (FY2002) – Debt Reimbursement
Dedicated Revenue:	No
Funding Source(s):	General fund and/or Special Revenue Bonds (e.g., certificates of payment, etc.)
Local Matching Requirement:	Ranges from 2% to 35%.
Funding Source(s):	District capital funds, municipal funds or capital accounts, in-kind contributions, etc.
Eligibility Criteria:	All districts are eligible. All projects are ranked concurrently using the Priority Factors described below.
Priority Factors:	Projects are evaluated using the following priorities: • 9 objective criteria totaling 245 points • 9 subjective criteria totaling 280 points
Specific Design Criteria:	There are only recommended guidelines.
Space Standards:	The following space standards are used: • Elementary schools – 110 gross square feet per student for schools above 500 students [more for smaller populations on a sliding scale] • Secondary schools – 157 gross square feet per student for schools above 500 students [more for smaller populations on a sliding scale]
Recent or Pending Legal Actions	Inequality of funding with violation of Title VI.

ARIZONA

Legislation was passed in 1998 establishing a centralized state school capital finance system with limited bonding for all school districts. The program institutes school building adequacy requirements, a mechanism for curing existing deficiencies in school buildings, a building renewal formula, a new construction funding formula and replaces a portion of the capital levy revenue limit (CLRL) with the remaining CLRL being a weighted per pupil "soft" capital allocation. The total appropriation for FY 2000-2001 is $624 million plus an additional $3.2 million for the School Facilities Board.

Administering Agency:	School Facilities Board
Current Appropriation:	$624 million (FY 2000-01)
Dedicated Revenue:	Transaction Privilege Tax
Funding Source:	General Fund and Revenue Bonds
Local Matching Requirement:	None
Funding Source(s):	N/A
Eligibility Criteria:	New construction only: Based on calculated student capacity
Priority Factors:	None
Specific Design Criteria:	Based on Approved Building Adequacy Guidelines
Space Standards:	Design Square Footages for New Construction Schools only: K-6 90 GSF 7-8 100 GSF 9-12 125 GSF (1800 pupil or greater) 9-12 134 GSF (less than 1800 pupils)
Recent or Pending Legal Actions:	Lawsuit based on Building Renewal Distribution for FY 1999-00

ARKANSAS

Majority of facility funding is the responsibility of the local district. Sources of funding include:

1. A set amount per ADM that can be used for renovation or equipment.
2. Average Growth Student Enrollment (AGSE). Districts that exceed the average qualify for additional funding according to ADM.
3. Debt Service Supplement.

Administering Agency:	Department of Education
Current Appropriation:	$35-36 – ADM
Dedicated Revenue:	No
Funding Source:	General Fund
Local Matching Requirement:	No, not on general & growth
Funding Source(s):	None
Eligibility Criteria:	ADM & Average growth Student Enrollment if their growth exceeds state average; each district facility needs assessment.
Priority Factors:	None
Specific Design Criteria:	None
Space Standards:	Yes, minimum school construction, instructional space must meet standards set by school State Board of Education.
Recent or Pending Legal Actions:	The Chancery Court gave the state two years to redesign the funding system, this has not been resolved.

CALIFORNIA

The School Facility Program provides financing for school construction and modernization of K-12 school facility-related activities. The Leroy F. Greene School Facilities Act of 1998 provides grants to school districts from revenue obtained through the sale of $6.7 billion in state general obligation bonds authorized by the electorate in November, 1998. The number of districts in this program is 1,045 and the number of public schools is 8,563.

Administering Agency:	State Allocation Board and the Office of Public School Construction
Current Appropriations:	None currently (FY 2001-2001)
Dedicated Revenue:	No
Funding Source(s):	Bonds, General Fund
Local Matching Requirement:	State funds 50 percent of new construction applications and 80 percent of modernization. The balance must come from locally generated sources.
Funding Source(s):	The local match may be funded by local bonds, developer fees and special development districts.
Eligibility Criteria:	Districts must prove unhoused students using a five year projection.
Priority Factors:	1. Percentage of current and projected unhoused students. 2. Number of current and projected unhoused students. 3. Other factors determined by the State Allocation Board (not to exceed 10 percent of the total possible priority points).
Specific Design Criteria:	None. District must meet the Department of Education and the Division of the State Architect requirements.
Space Standards:	None
Recent or Pending Legal Actions:	* Godinez v Davis et al. (settlement) * Corona Norco USD, et al. v State Allocation Board et al. The two cases are now basically consolidated and are in Los Angelos Superior Court to be heard.

COLORADO

Administering Agency:	Colorado Department of Education School Facilities Capital Projects Program Vody Herrmann, 201 E. Colfax Ave., Room 509 Denver, CO 80203 303-866-6845
Current Appropriation:	$20,617,922
Dedicated Revenue:	$15,308,961 for 178 Districts $ 5,308,961 for Charter Schools
Funding Source(s):	State of Colorado – $10,000,000 General Fund $10,617,922 State Education Fund – TABOR Exempt
Local Matching Requirement:	Not for current year.
Funding Source(s):	N/A
Eligibility Criteria:	1. Address immediate safety hazards or health concerns in existing school facility 2. To relieve excessive operating costs created by insufficient maintenance or construction spending which are currently required to be expended by the district. 3. To relieve building construction conditions which detract from an effective learning environment.

Priority Factors:	1. Capital projects in a school district that has a lower relative wealth compared to other school districts in the State based on the per pupil assessed valuation within the district. 2. Capital projects in a school district that has reached ninety percent or more of its limit on bonded indebtedness under Colorado Revised Statute 22-42-104. 3. Capital projects that will address safety hazards or health concerns at existing school facilities, considering the age of the facilities and any previous renovation work or controlled maintenance that has been performed at the facilities. 4. Capital projects in a school district that has previously demonstrated consistent efforts to allocate moneys to the district's capital reserve fund in excess of the minimum amounts required pursuant to section 22-54-105 (2) C.R.S. 5. Capital projects that are designed to incorporate technology into the educational environment. 6. Capital projects in a school district that does not have the ability to fund the project through other sources. 7. The effort of the school district to submit bond questions to voters in the district and to support the passage of such questions during the last ten years. 8. Poverty levels based on the percentage of Free Lunch eligibility compared to total student population.
Specific Design Criteria:	No
Space Standards:	No state space standards
Recent or Pending Legal Actions:	FY1999-2000 Senate Bill (SB)-181 outcome of a suit by the state's smaller school districts charging the state's system for funding school construction is unconstitutional.

CONNECTICUT

Control of Connecticut's schools rests with the local school boards. The Department of Education reviews the projects for code conformance. All school construction projects are subject to state legislative approval on an annual listing, except for those projects dealing with correction of code violations, roof replacements, or portable classrooms which may be authorized by the Commissioner of Education. The state grant is paid to the districts on a pro-rated share of local expenditures on a current basis.

Administering Agency:	Department of Education
Current Appropriation:	FY 99/00 $392,000,000 FY 00/01 $410,000,000
Dedicated Revenue:	No
Funding Source(s):	State Bonds, General fund revenues
Local Matching Requirement:	20 - 80%
Funding Source(s):	The source of local funding and the local authorization required is defined at the local level. Local funding ranges from operating funds to capitol improvement funding from current budgets to short term debt to long term debt. Authorization range from local board approvals to district-wide referendums.
Eligibility Criteria:	All districts are eligible. Their projects are placed in one of the following three categories. <u>Category One</u> Primarily required for creating new facilities or altering existing facilities to provide for mandatory instructional programs. For physical education facilities in compliance with Title IX where such programs or compliance cannot be provided within existing facilities, or for the correction of code violations which cannot be reasonably addressed within existing program space. <u>Category Two</u> Primarily required for creating new facilities or altering existing facilities to enhance instructional programs or provide comparable facilities among schools to all students at the same grade level(s) within the district unless such project is otherwise explicitly included in another category. <u>Category Three</u> Primarily required to create new facilities or alter existing facilities to provide supportive services, which do not include swimming pools, auditoriums, outdoor athletic facilities, tennis

	courts, elementary school playgrounds, site improvements, garages, storage, parking, or general recreation areas.
Priority Factors:	In addition to the above eligibility categories, additional consideration is given to projects for interdistrict magnets to reduce racial isolation, and other interdistrict cooperative arrangements.
Specific Design Criteria:	There are no recommended guidelines.
Space Standards:	The State of Connecticut has defined the maximum number of square feet in a facility which are eligible for state reimbursement of either construction or renovation costs. They range from 116 square feet per pupil for an elementary school to 194 square feet per pupil for a high school depending on the grades housed and the highest projected enrollment at the facility. The total allowable square footage is based on the maximum per student multiplied by the highest eight-year projected enrollment for the facility. These maximums may, however, be waived by the commissioner if documentation is submitted and approved showing extraordinary programmatic needs.
Recent or Pending Legal Actions:	Johnson v. Rowland, to be heard in Connecticut Supreme Court, winter/spring 2003.

DELAWARE

Public schools of the state are maintained and supported by funds appropriated by the general assembly and local tax revenues.

Administering Agency:	Department of Education
Current Appropriation:	$95 million (FY 2002)
Dedicated Revenue:	Bond or General Fund
Funding Source:	General assembly, appropriated & non-appropriated funds.
Local Matching Requirement:	There are two programs: Minor Capital Program for general maintenance and repairs. Project cost of &250,000 or less. The funding ratio for this program is 60/40 – State/Local for all districts. Major Capital Program for major renovations or new construction. Project cost above $250,000. The funding ratio for this program can range from 60/40 to 80/20 based upon a local districts ability index.
Funding Source(s):	Local school bonds
Eligibility Criteria:	None, all districts are eligible
Priority Factors:	Department of Education establishes priorities based on district need.
Specific Design Criteria:	No specific criteria
Space Standards:	A formula that is uniform throughout the state. The standard formula differs per educational grade levels & number of students anticipated for enrollment. *Average Gross Square Foot/Student* *Elementary* *84 SF/student* *Middle* *117 SF/student* *High* *114 SF/student* This issue is currently being reviewed by a school construction committee. The average square foot per student may increase.
Recent or Pending Legal Actions:	None

FLORIDA

Florida has one of the more comprehensive state-level programs. The Department of Education (DOE) maintains an extensive formula-based system to allocate state funds. Although the facility survey, which is conducted once every five years for each district, is independent of funding, it dictates what can be built. All projects for the district must be recommended during the survey.

If a district has met all of its capital outlay needs, as determined by the survey, it may request approval to spend the funds for purposes other than capital outlay. The request must give priority to providing custodial care for buildings and grounds and to purchasing instructional supplies and equipment.

Administering Agency:	Department of Education
Current Appropriation:	$322,000,000
Dedicated Revenue:	Yes
Funding Source(s):	Utilities tax (87%) License tag fees (13%)
Local Matching Requirement:	Project oriented; 59% of capital outlay needs are funded locally.
Funding Source(s):	Local funding is provided through bonds or sales tax levy that requires a simple majority vote. The district does not have to pass a bond to obtain state funds.
Eligibility Criteria:	All districts are eligible. The level of funding from each source, Public Education Capital Outlay, and Capital Outlay and Debt Service (PECO, CO&DS) is determined as follows: • PECO Funds These funds are distributed on a formula basis for: - maintenance, renovation and site improvements based on total gross square feet and age of the building, amortized over 50 years; and - new construction, which is allocated based on the FTE student population of the district four years ago (40%) and growth over the next four years (60%). • CO&DS Funds These funds are distributed on an instructional unit (23 FTE) basis.

Priority Factors:

The Priority Factors differ for each source of funding (PECO, CO&DS).

- PECO Funds
  - Priority A - General Instructional Facilities
  - Priority B - Special and Auxiliary Facilities
  - Priority C - Facilities Maintenance
- CO&DS Funds
  Projects funded with CO&DS funds are prioritized by each local school district board taking into account the following factors:
  1. Student stations
  2. Student support space
  3. All other space
  4. Equipment purchase

Specific Design Criteria:

New schools are required to adhere to extensive design criteria.

Space Standards:

The Florida Administrative Code provides extensive and elaborate planning standards for new facilities. The Florida Inventory of School Houses (FISH) manual provides comprehensive and detailed space standards for current public school facilities.

Classroom standards are:

P-3	36 – 40 Net SF/occupant
4-6	30 – 34 Net SF/occupant
6-9	28 – 32 Net SF/occupant
9-12	25 – 29 Net SF/occupant

Recent or Pending Legal Actions:

Plaintiffs claim that the district discriminates against minority by not equitably and adequately distributing resources.

GEORGIA

Georgia's program emphasizes local facilities plans, the use of an up-to-date room-by-room inventory and needs assessment conducted locally with technical support from state consultants. In 1986, a law was enacted that includes recommended district grade organizational patterns and base sizes. As an incentive, districts are provided advance funding to meet these recommendations.

In order to receive its entitlement, each district must file a long-range facility plan with the Department of Education (DOE) at least every five years. Each district's entitlement is computed by dividing the district's unmet needs by the total unmet statewide needs. The resulting ratio is then applied to the amount of state funds available annually to determine each district's entitlement earnings for that year.

Annually each district must decide whether to submit an application or allow its entitlement earnings to accumulate. An application for state funding must not exceed the district's annual entitlement plus any accumulated entitlement remaining from previous years unless the district qualifies for an advance funding loan. In 1994, an additional level of funding was added to assist districts experiencing growth.

Georgia code § 20-2-270 requires that local school districts meet several conditions to qualify for funding. The plans are reviewed for approval by the State Board of Education. Funding is determined based on local needs in relationship to state-wide needs and annual appropriate from the General Assembly. The district may allow these funds to accumulate or may use them immediately in conjunction with funding raised locally.

Administering Agency:	Department of Education
Current Appropriation:	***FY 2002*** $300,000,000 $200,000,000 (Regular Program) $100,000,000 (Growth Program)
Dedicated Revenue:	Yes
Funding Source(s):	Bonds Fund
Local Matching Requirement:	Varies based on the wealth of the district (approximately 10-25%)
Funding Source(s):	Local bonds, special purpose local options sales tax, regular maintenance and operations money (property taxes)
Eligibility Criteria:	All districts that file a long-range facility plan.
Priority Factors:	None, each system makes their own priority plan.
Specific Design Criteria:	Modification of existing spaces, additions to existing schools, and new schools are required to adhere to specific design criteria.

Space Standards:

Extensive and elaborate square footage requirements are provided for use in development the local facility plans. These requirements are used in calculating existing capacity and in planning for new facilities. Guidelines are based on teacher/pupil ratios, specific grade levels, and programs rather than GSF/pupil.

Teacher/pupil ratios:

K-2	20 students per teacher
Middle	25 students per teacher
Secondary	25 students per teacher

Minimum classroom sizes

Elementary (K-3)	750 SF
Middle & Jr. High (4-7)	660 SF
High School (8-12)	600 SF

Recent or Pending Legal Actions: No

HAWAII

The Hawaii school system is a department of state government, the Department of Education (DOE), and embodies elements found at both the state and local levels in other states. Underwriting the cost of school facilities is clearly accepted as a state government responsibility and allows the state to address questions of equalization directly rather than through funding formulas and matching ratios. The legislature commits $45 million a year to school construction through the sale of bonds which are backed by the state general fund.

Administering Agency:	Department of Education and Department of Accounting and General Services
Current Appropriation:	56,405,000 (FY 2001)
Dedicated Revenue:	No
Funding Source(s):	Bond sales backed by general revenues
Local Matching Requirement:	None – statewide school district
Funding Source(s):	None – the program is entirely state funded.
Eligibility Criteria:	All schools are eligible.
Priority Factors:	The priority system consists of a matrix of four categories of facility demands and five priority levels. The four categories are: A. Health, Safety, Security and Emergency B. Classrooms, None Available, Replacement or Substandard C. Support Facilities, None Available, Replacement or Substandard D. State and District Facilities Projects in each of the above categories are placed within one of the following five priority levels: 1. Severe Program Deficiencies Lacking Alternatives 2. Severe Program Deficiencies With Limited or Substandard Alternatives 3. Moderate Program Deficiencies With Limited or Substandard Alternatives 4. Moderate Program Deficiencies With Reasonable Alternatives 5. Minor Program Deficiencies With Reasonable Alternatives Within the matrix, projects in the highest priority level (e.g., Priority 1) are ranked highest and within each priority level, projects in the first alphabetical category

rank above those in succeeding categories. For example, a project in Priority 1, Category B, ranks above Priority 1, Category C and all other priorities and categories other than 1-A.

Within each matrix cell, the following factors are considered in determining the actual priority among comparable projects:

a. Number of students benefiting
b. Degree of deficiency
c. Physical condition of existing facilities
d. Geographical factors, e.g., rainfall
e. Length of time school has waited
f. Available alternatives

Specific Design Criteria:

Detailed design criteria are rigidly adhered to by design professionals unless specific exceptions are granted. This system has developed in Hawaii due to the unique situation of having only one school system and the fact that other state agencies are responsible for the release of funds and for the actual design and construction process.

Space Standards:

In addition to the Specific design criteria discussed above, the following square foot allowances for classrooms are used:
Elementary classroom - Maximum 918 SF
Middle or Jr. High classroom –Maximum 900 SF
High school classroom - Maximum 900 SF

Recent or Pending Legal Actions:

Alexa Russell vs. State of Hawaii, Playground Accessibility for the Handicapped.

IDAHO

The Office of the Treasurer administers an appropriation for Idaho's school facility construction program of $10 million. This is a revolving fund.

Administering Agency:	Office of the Treasurer
Current Appropriation:	$10 million
Dedicated Revenue:	No
Funding Source(s):	General fund and plant facility grant
Local Matching Requirement:	No
Funding Source(s):	N/A
Eligibility Criteria:	Schools must pass bond levies in order to meet certain criteria set about by the legislature. The legislature then implements a sliding scale that the school district must meet to be eligible for funds
Priority Factors:	
Specific Design Criteria:	No
Space Standards:	Space guidelines for traditional classrooms. Elementary 850 SF/classroom Middle 800 SF/classroom
Recent or Pending Legal Actions:	Yes. While significant strides have been made in providing additional resources to Idaho schools for capital replacement and repair, a system for the replacement and major repairs of unsafe buildings based upon loans alone is not adequate to meet the constitutional mandate to establish and maintain a general, uniform and thorough system of public, free common schools" in a safe environment conducive to learning" for Idaho's poorest school districts who lack any reasonable means to repay such loans while maintaining a thorough education for their students. The issue of costs and attorney fees will be addressed after the results from the Silver Valley testing is provided to the Court.

ILLINOIS

A state/local matching bonding program, known as the School Construction Program, was passed by the legislature in December 1997 for public school districts in Illinois. The program is offered for up to $5.1 billion over a five-year period. A provision was also included for Debt Service Grant awards for those districts that sold school construction bonds prior to the passage of the School Construction law. The expenditure of these funds was limited to three specific purposes.

Administering Agency:	Illinois Department of Education and the Capital Development Board.
Current Appropriation:	FY 2000 $483 million
Dedicated Revenue:	None
Funding Source:	General Obligation Bonds
Local Matching Requirement:	35-75% based on a Grant Index based calculated on the equalized assessed valuation per pupil and average daily attendance.
Funding Sources:	State Bonds and a Message tax
Eligibility Criteria:	Enrollment of 200 or more students in an elementary or high school district and enrollment of 400 or more students in a unit district (elementary and high schools combined). The district must also document a need for inadequately housed students based upon capacity, building conditions, and enrollment factors.
Priority Factors:	1. Natural or man-made disaster 2. Shortage of classrooms due to population growth or building conditions 3. Interdistrict reorganization consolidation 4. Reconstruction to meet health/life safety needs 5. Alterations for accessibility 6. Other unique solutions
Specific Design Criteria:	The state has no Specific design criteria.
Space Standards:	Elementary 900-1200 GSF/student 35-40 NSF/student

	Middle	650-900 GSF/student 35 NSF/student
	High	600-800 GSF/student 30 NSF/student
Recent or Pending Legal Actions:	The ACLU case claims that the state and East St. Louis school district fail to provide an adequate education for the city's children.	

IOWA

Iowa's program provides matching funds for school infrastructure projects on a competitive basis. The three-year program provides $50 million for such projects.

Administering Agency:	Iowa Department of Education
Current Appropriation:	$50 million for three years: FY 2000 $10 million FY 2001 $20 million FY 2002 $20 million
Dedicated Revenue:	Yes
Funding Source(s):	State selling bonds from gaming revenue
Local Matching Requirement:	20 to 50 percent local match required tied to the district capacity of generate funds.
Funding Source(s):	District share to come from a voted bond issue, the Physical Plant and Equipment Levy, the Local Option Sales and services tax for School Infrastructure or donations.
Eligibility Criteria:	Legislative priority included
Priority Factors:	
Specific Design Criteria:	There is no specific design criteria
Space Standards:	There are no Space standards
Recent or Pending Legal Actions:	None

KANSAS

Funding is based on an equalization formula designed to provide state aid, inversely to the assessed evaluation per pupil.

Administering Agency:	Department of Education
Current Appropriation:	FY 2000-01 $30,900,000 FY 2001-02 $38,000,000
Dedicated Revenue:	No
Funding Source:	General Fund
Local Matching Requirement:	Districts' having the median assessed value per pupil the state aid ratio is 25%. This factor increases by one percentage point for each $1,000 of assessed value per pupil below the median and decreases by one percentage point for each $1,000 assessed value per pupil above the median.
Funding Source(s):	Local Bonds
Eligibility Criteria:	All districts are eligible
Priority Factors:	None
Specific Design Criteria:	None
Space Standards:	The State of Kansas Department of Education does not regulate or have set standards/guidelines for school facility space requirements. School design must comply with fire and life safety codes.
Recent or Pending Legal Actions:	Civil rights grounds claim re/funding formula.

KENTUCKY

Kentucky has three programs. In the first, the state funds $100 per child for capital outlay. The second (FSKE) equalizes (up to 150%) the local tax of $0.05/$100. The third program, which is a voluntary program, is described below. In the latter program, all districts receive about 2% of their funding request. (At its maximum level, the program funded about 8% of the funding request).

In order to participate in the voluntary program, each district must file a facility plan with the Department of Education (KDE). Each eligible district is then offered sufficient funding to finance construction of the portion of its unmet need. The district's allocation is computed by applying the ratio of available state funding to total unmet need statewide to the total unmet need of the district.

Administering Agency:	School Facilities Construction Commission
Current Appropriation:	$2.1 million/year for 20 yrs (2000-2002 biennium) $150 million in bonding capacity $43.5 million FSKE $60 million Capital
Dedicated Revenue:	No
Funding Source(s):	General fund
Local Matching Requirement:	Varies based on the financial ability of the district
Funding Source(s):	A district's local matching or eligibility financing requirements come from the capital outlay account, the special voted building fund, or the general fund monies. There is no required vote by the people in the school district.
Eligibility Criteria:	The district must have a minimum $100,000 unmet need. The financial eligibility requirements are: • capital outlay account ($100 per child), $60 million appropriated, • special voted building account, • bonding potential of the capital outlay funds, and • surplus in excess of 10% of general fund budget as of June 30 of the year prior to the legislative session. Cash amounts must be escrowed for the offer of assistance, plus any bonding potential that may be available to that district at the same date. The

cash amounts are escrowed in order to dedicate these funds to the capital projects.

Priority Factors:

There are no factors and weights; however, the offers of assistance must be spent in accordance with the district's #1 priority of the facility plan prepared with the state's assistance through KDE.

Specific Design Criteria:

The annual School Facilities Manual prepared by the State Board for Elementary and Secondary Education provides extensive and elaborate planning standards for new facilities as well as accreditation building criteria for existing facilities.

Space Standards:

The annual School Facilities Manual lists the following space standards:

Maximum Classroom Sizes

Preschool -	825 SF
Elementary -	800 SF
Jr. and High School -	750 SF

based on

Elementary - 25 students/class
Jr. and High School - 30 students/class

Recent or Pending Legal Actions:

No

MAINE

Maine's program funds school construction at the same rate as the basic foundation subsidy rate. A "circuit breaker" mechanism is in place, which requires the state to assume the costs when a political unit has existing debt above a certain local mill rate. The rates (subsidy and mill) are calculated each fiscal year. Local school districts identify their own school construction needs, and the local voters must approve all projects.

Administering Agency:	Department of Education
Current Appropriation:	$ 20,000,000 (FY01-02) for major capital
Dedicated Revenue:	No
Funding Source(s):	State tax revenue
Local Matching Requirement:	Local match ratio differs per district depending upon its economic status.
Funding Source(s):	The district's local share comes from bonds and requires a simple majority vote. The district does not have to pass a bond to obtain state funds.
Eligibility Criteria:	All districts are eligible.
Priority Factors:	Prior to rating a project, DOE staff conduct an on-site review of the district. Projects are evaluated using the following priorities: A. Major Capital Program 1. Building and Grounds 2. School Population 3. Program B. Replacement of Leased Space Projects Limited to additions/alterations to existing facilities to eliminate need for portables or other types of leased space to house instructional programs. 1. Number of Leased Spaces to be replaced must have been approved by Department 10/15/98 2. Age of Building 3. Enrollment Estimates 4. Supports SAU's educational and long range facilities programs.
Specific Design Criteria:	New schools are required to adhere to specific design criteria when state funds are involved.

Space Standards:

The State Board of Education rules provide extensive space allocation recommended maximum allowances for new facilities. Any proposed project containing more than the maximum allowance requires substantial documentation.

Sample standards:

Student/Teacher Ratios

K-8	25 students per teacher max
9-12	30 students per teacher max.

Gross Square Feet/Student:

Elementary	125 SF/student
Middle & Jr. High	135SF/student
Secondary	160SF/student

Recent or Pending Legal Actions: No

School Revolving Renovation Fund: Established in public law in 1998. Legislature has provided $73 million to date for school renovation purposes based on 3 levels of priority (First: Health and Safety items; Second: other building systems; Third: Learning Space upgrades). The Fund provides support to districts in the form of a combination grant and zero interest loan, with the amount of grant vs. loan determined by the same local matching requirement defined above except a minimum grant is 30% and a maximum grant is 70%. The average grant to date is 60%. The regulation also established a $1 million cap per building for the health and safety category. Similar criteria for priorities 2 and 3 have not been established at this time. Legislative action in 2001 permits a statewide bond referendum to provide additional monies to the fund. This will be voted in public election in the Fall of 2001 with the additional funds available (if passed) in 2002. It is the current plan to begin accepting applications for priority 2 and 3 projects in 2002, if the above bond referendum passes. New health and safety projects continue to be authorized with money provided through the loan repayments from previously approved renovation projects.

MARYLAND

The Maryland Program provides assistance to local education agencies in the financing of renovations and/or additions to existing schools and the construction of new schools. Funds are also allocated for systemic renovations, wiring schools for technology, science facility renovations, prekindergarten additions and the movement of state owned relocatable classrooms.

Administering Agency:	Interagency Committee on School Construction
Current Appropriation:	FY 2002 - $286,600,000
Dedicated Revenue:	No
Funding Source(s):	General obligation bonds, general fund, Maryland Stadium Authority
Local Matching Requirement:	50-80% based on a calculation related to the State's share of the per pupil minimum foundation for the jurisdiction under the current expense formula.
Funding Source(s):	Local property taxes; school construction bonds
Eligibility Criteria:	Improvements to existing schools: facility must be 16 years old or older. Projects for additional student capacity must be justified by demonstrated enrollment growth; schools in contiguous attendance districts must be fully utilized or projected to be so. Commitment of local share of funding. Local priorities. Need identified in annual/five year educational facility master plan.
Priority Factors:	Renovations and/or additions to existing schools with work clearly warranted. Additions and/or new school construction to accommodate enrollment growth. State initiatives, e.g. wiring for data, voice and video; pre-kindergarten; high school science.
Specific Design Criteria:	Guidelines and standards published by the Maryland State Department of Education.

Space Standards:	Maximum gross area allowances are found in Maryland Public School Construction Program Administrative Procedures Guide. Allowances are calculated from a formula using the product of the State approved capacity and the area allowance per pupil.
Recent or Pending Legal Actions:	No

MASSACHUSETTS

Massachusetts' districts must borrow for 100% of project cost. The district is then reimbursed for the Commonwealth's share. In order to apply for a grant, the district must file a long-range educational plan and facilities needs assessment with the Department of Education (DOE).

Administering Agency:	Department of Education
Current Appropriation:	$325 million (FY 2001)
Dedicated Revenue:	No
Funding Source(s):	State tax revenue
Local Matching Requirement:	10 - 50%
Funding Source(s):	Most districts issue municipal bond issues to fund the project(s). The district must pass a bond to obtain state funds, which are received on a reimbursement basis. The required vote for the passage of bonds differs by the type of entity that the district is a part of.
Eligibility Criteria:	All districts are eligible.
Priority Factors:	Projects are evaluated using the following priorities: 1) Elimination of unsafe building conditions 2) Elimination of severe overcrowding 3) Prevent loss of accreditation 4) Prevent overcrowding from projected enrollment increases 5) Improve energy efficiency 6) Accommodate short term enrollment growth 7) Replacement of obsolete facilities 8) Transition from mandated racial balance plans to "walk to" schools
Specific Design Criteria:	There are recommended guidelines for new schools.

Space Standards:

The following space standards are used:

- Elementary Schools
  Not more than 115 gross square feet per student in planned enrollment

- Middle/Junior High Schools
  Not more than 135 gross square feet per student in planned enrollment

- Secondary Schools (General or Academic)
  Not more than 155 gross square feet per student in planned enrollment

- Vocational Technical Schools
  Not more than 255 gross square feet per student in planned enrollment

Additionally, each capital construction project must provide adequate and appropriate space to accommodate early childhood programs, as appropriate, programs for students with special needs, or linguistic minority students who, for lack of space, are not currently served in regular public school facilities.

Recent or Pending Legal Actions:

Lopez v. Board of Education

MINNESOTA

Administering Agency:	Commissioner of Children, Families & Learning
Current Appropriation:	$19 million Maximum Effort Program Loan (Legislative Approval) $1.7 million Grant ((Legislative Approval) $918 million Local Bonding Authority (State & Local LEA Approval) $102 million Alternative Bonding (State Approval) $79 million Health & Safety (State Approval) $34 million Lease Arrangements (State Approval) $190 million Operating Capital (State Approved, Student Generated) $15 million Federal Bonding (State Approval)
Dedicated Revenue:	Yes
Funding Source:	General Fund revenue, general obligation bonds, State bonds, Federal revenue & Federal bonds
Local Matching Requirement:	Determined by debt service equalization (tax wealth of the district)
Funding Source(s):	LEA bonding is based on a positive Review & Comment (50%) voter approval, other funds are state bonds or general fund revenue.
Eligibility Criteria:	MaximumEffort Program is based on wealth of the district. Alternative bonding is based on size of the district (1.5-million sq. ft.) and all other issues are based on need as determined by Department of Children, Families & Learning.
Priority Factors:	The only priority listing required is in our Maximum Effort Program.
Specific Design Criteria:	The project must meet our "New Construction Facility Guidelines" (Construction manual developed by the DCFL) with input from all the stakeholders.
Space Standards:	
Recent or Pending Legal Actions:	The legislature expanded the existing debt service equalization program in 2001 by adopting the second tier equity program. This enables districts with rapidly increasing land values and declining enrollment to be eligible to receive more state assistance.

NEVADA

New construction program was developed and in operation at the end of 1998. The program was funded by the 1999 legislature. The recently concluded legislative session did not increase the available funding. Other than this effort, all construction, whether new or for renovation, is the responsibility of the seventeen county school districts.

Administering Agency:	Nevada Department of Administration
Current Appropriation:	$16 million
Dedicated Revenue:	N/A
Funding Source:	State General Obligation Bonds
Local Matching Requirement:	None, however, School Districts receiving the funding are required to assess additional local taxes.
Funding Source(s):	N/A
Eligibility Criteria:	School District must demonstrate its inability to pass local bond issue; insufficient assessed valuation against which debt service can be charged; and/or no tax capacity remaining under the statutory $3.64/$100 assessed valuation. Also, must demonstrate that facilities are in dire need of repair/renovation/replacement. Two districts have met the criteria—building projects are underway in White Pine and Lincoln County school districts.
Priority Factors:	N/A
Specific Design Criteria:	Construction overseen by the Nevada Public Works Board
Space Standards:	N/A
Recent or Pending Legal Actions:	None

NEW HAMPSHIRE

Administering Agency:	Department of Education
Current Appropriation:	$25 million (FY 2002-2003)
Dedicated Revenue:	None
Funding Source:	State General Funds.
Local Matching Requirement:	N/A
Funding Source(s):	They pay principal only, they do not pay up front. Percentage varies from 30-55 percent of each bond payment each year depending upon how the school districts are organized.
Eligibility Criteria:	Must be for building purchases, new construction or substantial renovations.
Priority Factors:	None
Specific Design Criteria:	The state has no specific design criteria.
Space Standards:	There is currently no maximum on space standards within this state. The minimums: **High School** – 800 Sq. Ft./classroom **Elementary** - 900 Sq. Ft./classroom **Kindergarten** – 1,000 Sq. Ft./classroom The current space standard per student is 30 Sq. Ft. in traditional classrooms.
Recent or Pending Legal Actions:	The Building Construction Fund has been under study for several years and on the legislature's agenda for the past two years. The structure of this fund is expected to change within the next few years. Currently, it is not equity-based.

NEW MEXICO

There are three state sources for school construction.

2. Public School Capital Outlay Act which provides for state funding of critical school capital outlay needs,
3. Public School Capitol Improvement Act which provides state funds to guarantee a minimum levy amount, and
4. Direct legislature appropriations for specific projects.

Administering Agency:	Department of Education
Current Appropriation:	$69.6 million (FY 2001)
Dedicated Revenue:	Yes
Funding Source:	State general appropriations, general obligation debt, severance tax bonds, and state lottery funds.
Local Matching Requirement:	Districts must be at 65% of bonding capacity to apply for critical capital outlay.
Funding Source(s):	Local bonds
Eligibility Criteria:	65% of bonding capacity
Priority Factors:	No
Specific Design Criteria:	No
Space Standards:	None currently, to be determined in the next year or two.
Recent or Pending Legal Actions:	The complaint alleged that the statutory scheme of the state of New Mexico with respect to capital improvements violates Article XII, Section 1 of the Constitution of the State of New Mexico "in failing to provide for a unified system of funding non-operational educational needs, which failure imposes upon the students of the Zuni Public School District and the Zuni Public School District a distinct educational disadvantage." This is ongoing regarding implementation of, among other subjects, the establishment of a uniform funding system for capital improvements for all New Mexico school districts. Former New Mexico Supreme Court Justice McKinnon has been appointed a Special Master in this matter.

NORTH CAROLINA

North Carolina has three funding programs:

1. Public School Building Capital Fund
2. Public School Building Bond Act of 1996
3. Critical Needs School Fund

Administering Agency:	Department of Education & Governor's Office
Current Appropriation:	$800 million estimated for 10 years (Public School Bldg. Capital Fund) $10 million per year through 2003 (Critical School Fund) $1.8 billion (Public School Building Bond Act)
Dedicated Revenue:	Yes
Funding Source:	Corporate Income Tax & State Bond
Local Matching Requirement:	Matching formula for state bond. $1 local for $3 state for Public School Building Capitol Fund
Funding Source(s):	Property tax, installment property payments.
Eligibility Criteria:	Critical School Fund project requests are listed by priority and reviewed by a panel. ADM, the increase in growth and the decrease in wealth determine the Building Bond Act funding priorities. ADM for the Public School Building Capital Fund.
Priority Factors:	State Bond is based on a $450 million limit per year. Priority factors are established by the state depending on the number of construction projects .
Specific Design Criteria:	There are guidelines for the districts to review, however, these are recommendations and therefore are not mandatory. (see them at www.schoolclearinghouse.org)
Space Standards:	Included in the facilities guidelines. Net Square Foot/Classroom Pre-K 1200-1400 SF/classroom K 1200 SF/classroom 1-3 1000-1200 SF/classroom 4-8 850-1000 SF/classroom 9-12 750-850 SF/classroom
Recent or Pending Legal Actions:	Claim re/inequitable & inadequate finance system.

NORTH DAKOTA

Low interest loans approved from state sources. Loans provide up to 1/3 of project cost or $2.5 million, whichever is less.

Administering Agency:	Department of Education
Current Appropriation:	Funding to provide for the $2.5 million pool.
Dedicated Revenue:	Yes
Funding Source:	Coal Trust Fund
Local Matching Requirement:	Yes
Funding Source(s):	GO bonds
Eligibility Criteria:	Pass tax levy to pay bonds – 60% majority
Priority Factors:	Educational need, enrollment projections
Specific Design Criteria:	Uniform building code, minimum square feet per classroom as stated by the State Department.
Space Standards:	Gross Square Feet/Student
	Elementary 100-110 SF/student Secondary 120-200 SF/student
Recent or Pending Legal Actions:	No

OHIO

The Ohio School Facilities Commission (OSFC) currently administers nine (9) programs devoted to school facilities:

1. The Classroom Facilities Assistance Program is the commission's largest program. Since 1997, over 110 districts have been provided funding for replacement and renovation projects. State law requires the commission to begin with the lowest equity districts (those with the least property value per student) and provide funding for the district's entire preK –12 need. By the end of 2001, over 50 new buildings will have been completed and the district-wide project finished in 16 school systems. Currently over 300 buildings are in design or construction.
2. The Exceptional Needs Program addresses the health and safety needs for districts of below average wealth. 23 districts have received funding for their projects.
3. The Expedited Local Partnership Program allows school districts higher on the equity ranking to move ahead with desired replacement or renovation and receive credit for the work when the district enters the Classroom Facilities Assistance Program.
4. The Big 8 Program used as a matching fund program for the eight (8) largest urban districts to fund major repairs and renovations. The Accelerated Urban Program will provide funding for comprehensive replacement and renovation plans starting on July 1, 2002.
5. Other OSFC Programs include the Extreme Environmental Contamination Program, the Emergency Assistance Program, the Short Term Loan Program, and the Energy Conservation Program.

Through these programs OSFC has provided funding to over 360 of the state's 612 school districts. The Ohio General Assembly recently adopted a proposal by Governor Bob Taft that calls for the expenditure of over $10.2 billion in state funds over the next 11 years to address the needs of all Ohio school districts.

Administering Agency:	The Ohio School Facilities Commission
Current Appropriation:	$533 million (FY02) $460 million (FY03)
Dedicated Revenue:	Yes
Funding Source:	GO bonds, investment interest , tobacco settlement funds, and available cash.
Local Matching Requirement:	Yes
Funding Source(s):	GO Bonds, other available cash.
Eligibility Criteria:	Most programs have eligibility based on equity rank. Some programs have specific special criteria.

Priority Factors:	Department of Education Equity Ranking List
Specific Design Criteria:	Ohio School Facilities Design Manual
Space Standards:	Guidelines must be adhered to in order to receive state funds. Comprehensive guidelines are found in the Ohio School Facilities Design Manual. Typical Square Feet/Classroom Elementary 870-930 SF/classroom Middle 870-930 SF/classroom High 870-930 SF/classroom
Recent or Pending Legal Actions:	DeRolph v. State of Ohio. Decision from Ohio Supreme Court is due late summer/early fall, 2001.

PENNSYLVANIA

The Commonwealth of Pennsylvania provides state funding for new buildings, as well as renovations and additions to existing buildings, in public school districts.

Administering Agency:	Department of Education
Current Appropriation:	$270,061,000 for (FY 2001-2002)
Dedicated Revenue:	No
Funding Source:	State and local funds for each building project based on reimbursement formula.
Local Matching Requirement:	Not Applicable
Funding Source(s):	Local school districts primarily issue general obligation bonds to finance reimbursable school construction projects. Other local sources may include insurance proceeds, federal grants and cash contributions.
Eligibility Criteria:	School buildings are eligible for state reimbursement every 20 years at a minimum. For a renovation project to qualify, the cost for such renovations must exceed 20% of replacement cost unless request for a variance is approved
Priority Factors:	The Pennsylvania Department of Education is required by law to process projects in the order received.
Specific Design Criteria:	School districts are required to meet the applicable requirements of local, state and regional agencies for reimbursable projects. Other state agencies involved include Labor and Industry, Agriculture, and Environmental Protection.
Space Standards:	The amount of scheduled area is approximately 58 square feet per full-time equivalent enrollment for an elementary school, and approximately 78 square feet for a secondary school. The recommended design ratio of architectural space to scheduled space is 1.58
Recent or Pending Legal Actions:	Claim that state aid system discriminates against the district's students because it leaves them w/less funding than students in other systems.

RHODE ISLAND

Reimbursement program for completed school construction projects.

Administering Agency:	Department of Education
Current Appropriation:	$30,775,774 (FY 2001)
Dedicated Revenue:	No
Funding Source:	State Appropriation
Local Matching Requirement:	None
Funding Source(s):	N/A
Eligibility Criteria:	Project must be approved by the Board of Regents.
Priority Factors:	None
Specific Design Criteria:	Necessity of School Construction - Information and Instructions
Space Standards:	Guidelines presented as a maximum. Gross Square Foot/Student - Elementary 115 SF/student Middle 135 SF/student High 115 SF/student
Recent or Pending Legal Actions:	Twelve suburban and rural districts filed a lawsuit claiming that the state's attempt to equalize school funding placed an unfair tax burden on these districts. This case was filed in 1999.

TENNESSEE

Capital Funding including basic education. Funding component for Capital Outlay depending on needs. Yearly change depends on enrollment and unit costs.

Administering Agency:	Department of Education
Current Appropriation:	Varies
Dedicated Revenue:	No
Funding Source:	General Fund
Local Matching Requirement:	50/50 through state and school
Funding Source(s):	property and sales tax
Eligibility Criteria:	All districts are eligible
Priority Factors:	Calculated through equalization factors. Determined by government. organization qualifications. Ability to pay, population, etc.
Specific Design Criteria:	Tennessee Board of Education, depends on size of classes. Bldg. Codes & regulations.
Space Standards:	Depends on Statutory class size requirements.
Recent or Pending Legal Actions:	No

TEXAS

State provides assistance to districts in repaying debt that is issued to construct facilities.

Administering Agency: Texas Education Agency

Current Appropriation: There is a $100 million appropriation for the 2002-03 biennium, $50 million for the 2001-02 school year and $50 million for the 2002-03 school year.

Dedicated Revenue: No

Funding Source: General Fund

Local Matching Requirement: Yes

Funding Source(s): Local bonds

Eligibility Criteria: 1. Type of debt

- General obligation bond
- Lease/purchase ability designed for real property

2. Type of facility/Instructional

Priority Factors: Funding is limited, districts are ranked according to wealth per ADA. Secondary prioritization factors include whether a district has outstanding debt, the district's increased enrollment in the last five years, and whether an application has been rejected due to lack of funding.

Specific Design Criteria: Districts are required to apply the standards below new construction or renovations that exceed 50% of the current building.

Space Standards:

Grade	Sq. Ft. Per Student	Minimum Sq. Ft. Per Classroom
Pre-K	36	800
Elementary	30	700
Secondary	28	700
High	50	1200

Recent or Pending Legal Actions: "Edgewood lawsuit", SB7 attempted to deal with previous funding reductions, lowered the per-student guarantee level and forced many districts to increase property taxes to maintain prior-year spending levels.

UTAH

The majority of revenue spent on capital projects comes from local property taxes authorized for school districts. The state provides financial assistance to districts to meet their continuing and critical school building and debt services needs through three programs:

Capital foundation base guarantee
Emergency school building needs program
Loan program

Administering Agency:	The Utah State Office of Education
Current Appropriation:	$28,358,000 (2000-01 FY) $38,358,000 (2001-02 FY)
Dedicated Revenue:	Yes
Funding Source(s):	Uniform School Fund State Individual Income Tax (73%) State Corporate Franchise/Income Tax (9.9%)
Local Matching Requirement:	Minimum levies required. State assistance varies by district.
Funding Source(s):	The districts' local matching financing comes from local property tax and local bonds that require a simple majority vote.
Eligibility Criteria:	All districts are eligible. The state uses complex formulas to determine which districts qualify for aid. The main elements in the formulas are: • 80% based on assessed value/average daily membership through FY 2000-01; 100% from FY 2001-02 forward. • 20% based on need, ability, effort (through FY 2000-01) - enrollment growth - tax effort - bonded indebtedness - use of existing facilities - weighted pupil units (WPUs)
Priority Factors:	Priorities are set by local districts.
Specific Design Criteria:	The state has no specific design criteria.

Space Standards:	Net square feet per student space criteria vary with number of students and grade level. The range includes: Elementary 76 SF/student for 400 students 72 SF/student for 600 + students Middle/Jr. High 125 SF/student for 600 students 115 SF/student for 1500 + students Senior High 165 SF/student for 600 students 145 SF/student for 1500 + students
Recent or Pending Legal Actions:	No

VERMONT

30% state grant for school districts which demonstrate a need – excluding land purchases and moveable equipment - and meets State Board of Education's' rules.

Administering Agency:	Department of Education
Current Appropriation:	$13 million
Dedicated Revenue:	No
Funding Source:	Sale of state bonds, state taxes and state budget surpluses
Local Matching Requirement:	70% local responsibility and land purchase.
Funding Source(s):	Sale of bonds, local funds, education funds for debt service on bonds
Eligibility Criteria:	Priority system based on the degree of need.
Priority Factors:	Includes percent of unhoused students and enrollment projection, condition of facility, and adequate space for required programs and services
Specific Design Criteria:	State board rules provide minimum square footage requirements and address lighting, ventilation and non-eligible costs.
Space Standards:	State board rules provide minimum requirements and maximum gross square footage/pupil for elementary, middle/junior high, and high schools
Recent or Pending Legal Actions:	Increased aid (up to 50%) for installation or conversion to renewable energy sources, such as geothermal, wind, solar, or wood-chip. Note: At least twenty Vermont schools already save substantial amounts of money using wood-chip heating systems and many more will be converting.

VIRGINIA

Fifty percent of the appropriation money is divided equally among the 132 school districts. One-half is divided by growth, which is a total between 300,000 and 500,000 per school division per year for two years.

Administering Agency:	Department of Education
Current Appropriation:	$55 million per year (FY 2002) $120.7 million per biennium
Dedicated Revenue:	No
Funding Source:	Surplus
Local Matching Requirement:	50%
Funding Source(s):	Local funds, revenue, sell bonds, bond pooling system, literary fund, 200 year-old fund, fines, property that goes to the state, loans to schools at low interest rates
Eligibility Criteria:	All districts are eligible
Priority Factors:	None.
Specific Design Criteria:	Recommendations only
Space Standards:	Square footage minimums per classroom: Kindergarten: 975 square feet + a bathroom Grades 1-3: 825 square feet Grades 4-7: 735 square feet Grades 8-12: 600 square feet
Recent or Pending Legal Actions:	No.

WASHINGTON

Washington's program provides state matching funds to eligible school districts for instructional and instructional support space based upon allocations set by the State Board of Education, with a legislatively established equity formula (based on the districts' assessed property values) directing the percent of the project cost matched.

Administering Agency:	Superintendent of Public Instruction/Board of Education
Current Appropriation:	$440,800,000 (2001-03 biennium) Capital budget
Dedicated Revenue:	Yes
Funding Source(s):	Timber sales from state school trust lands, Education Savings Account (50% of general fund reversions from prior year), Education Construction Account, Permanent fund investment earnings, mineral and grazing leases, and trust land transfers (paid for through general obligation bonds). New law will provide some state lottery revenues.
Local Matching Requirement:	20– 95%, based on equity calculation relating assessed value of property in district per student against state average.
Funding Source(s):	The district's local share comes from a variety of sources, including school construction levy or bond issues (which require a 40% turn out of the number of voters in the previous general election in addition to a 60% majority vote).
Eligibility Criteria:	New facilities: Unhoused students with unavailable suitable school facilities in contiguous school districts. Modernization: Eligible space in excess of 20 years of age (30 years if built after 1992) is considered for eligibility.
Priority Factors:	All eligible projects are placed on a one-tiered priority system. Projects receive weighted scores based on: • the type of space to construct or modernize; • local priority of projects; • joint funding with other governmental or private funds; • modified school calendar which increases facility use; • unhoused students (in the case of new construction); or • condition of facilities (in the case of modernization or new in-lieu replacement).

Specific Design Criteria:	There are no specific design criteria.
Space Standards:	The following space standards are used to determine eligibility (but not priority) for state assistance funding. • Elementary Schools - 80 gross square feet per student • Middle/Junior High Schools - 110 gross square feet per student • Secondary Schools - 120 gross square feet per student • Classrooms for exclusive use by students with disabilities - 140 gross square feet per student
Recent or Pending Legal Actions:	No

WEST VIRGINIA

Each district submits their ten-year Comprehensive Educational Facilities Plan (CEFP) to the SBA and SBE for approval. Each plan prioritizes all projects within a district. Projects are prioritized in accordance with the objective criteria formulated by the School Building Authority (SBA). Counties are funded as follows:

- 95.00% allocation on a priority needs project basis; and
- 3.0% allocation to state-wide projects (i.e. vocational/technical centers) and
- 2.0% allocation to an emergency fund

Note: Local school districts also fund school construction through local bond and excess levy referendums. During the ten year planning cycle from 1990-2000, $259,000,000 was generated at the local level for school construction.

Administering Agency:	School Building Authority
Current Appropriation:	$47 Million per year
Dedicated Revenue:	Yes
Funding Source(s):	From General Fund Revenues and Excess Lottery proceeds
Local Matching Requirement:	None - state-sponsored program
Funding Source(s):	N/A
Eligibility Criteria:	All districts are eligible. However, it is competitive and there must be a demonstrated need.
Priority Factors:	A district's facility plan must address how the proposed project will further the following goals of quality education. • Student health and safety. • Economies of scale, including compatibility with similar schools that have achieved the most economical organization, facility utilization and pupil-teacher ratios (i.e. downsizing to adjust for enrollment loss of upsizing for enrollment gains). • Reasonable travel time and practical means of addressing other demographic considerations. • Multi-county and regional planning to achieve the most effective and efficient instructional delivery system. • Curriculum improvement and diversification,

including computerization and technology and advanced courses in science, mathematics, language arts, and social studies.

- Innovations in education such as year-round schools and community-based programs.

- Adequate space for projected student enrollment.

Projects are awarded based on their ability to meet the priority factors.

Prioritizing by SBA. Interviews are conducted with each superintendent and district board president regarding the submitted project. The SBA performs onsite reviews for each project and based on the review findings provides quantitative ratings for each project based on its ability to meet the priority factors. The SBA makes the final decision based on need and the availability of funds.

Specific Design Criteria:

All schools must meet standards adopted by the SBA.

Space Standards:

The SBA has issued a policy statement that incorporates educational space standards. The following ranges of space standards are used for funding specific facility plans. Each type of school has numerous standards depending upon the

range of students to be housed. The low and high for each type of school has been shown.

- Elementary Schools

  - Up to 240 students - 125 gross square feet per student
  - Over 541 students - 80 gross square feet per student

- Middle/Junior High Schools

  - Up to 500 students - 150 gross square feet per student
  - Over 1,000 students - 100 gross square feet per student

- High Schools

  - Up to 500 students - 230 gross square feet per student
  - Over 1,500 students - 140 gross square feet per student

Recent or Pending Legal Actions: The state's funding system was declared as violating the constitutional "thorough and efficient" clause. Inequities between districts must be addressed.

WISCONSIN

The state contributes to school capital projects through the state equalization formula. Districts receive state equalization aid from the state general fund based on an equalization formula which takes into account the district's operating costs, debt services costs and equalized assessed property value. The state equalization aid may be used for debt service. The districts have a revenue cap that limits the combined amount of the general aid they receive and the amount of taxes they can levy.

Administering Agency:	Department of Public Instruction
Current Appropriation:	No direct appropriation; all funds come directly through an equalization formula.
Dedicated Revenue:	No
Funding Source(s):	State income and sales tax for equalization aid.
Local Matching Requirement:	Not applicable; equalization aid averages 40% of local operating budget and debt service.
Funding Source(s):	Local funding is provided through bonds that require simple majority vote.
Eligibility Criteria:	A district's eligibility is determined by the equalization formula.
Priority Factors:	Projects are not prioritized at the state level. Each district sets its own priorities, which are validated through the referendum process.
Specific Design Criteria:	The state has no Specific design criteria.
Space Standards:	Yes, state building code establishes minimum square footage for school buildings based on type of room. In traditional classrooms the space standard is 20 Sq. Ft. per student.
Recent or Pending Legal Actions:	Coalition of more than 100 school districts claim the school funding formula inequitable primarily due to heavy reliance on local property taxes for schools.

STATES WITH NO PROGRAMS

INDIANA

No state funded School Construction Assistance Programs.

Administering Agency:

Current Appropriation:

Dedicated Revenue:

Funding Source(s):

Local Matching Requirement:

Funding Source(s):

Eligibility Criteria:

Priority Factors:

Specific Design Criteria: No

Space Standards: Recommendations prescribed by the Indiana Department of Health.

Net Square Feet/Student

30 SF/student

Recent or Pending Legal Actions: No

LOUISIANA

Louisiana continues not to have a state run public school capital construction program. The Department of Education is currently administering the federal school renovation program.

Administering Agency:

Current Appropriation:

Dedicated Revenue:

Funding Source(s):

Local Matching Requirement:

Funding Source(s):

Eligibility Criteria:

Priority Factors:

Specific Design Criteria:

Space Standards:

Recent or Pending Legal Actions:

MICHIGAN

Michigan does not have a state run public school capital construction program. The Department of Treasury is currently administering federal facilities construction funds.

Administering Agency:

Current Appropriation:

Dedicated Revenue:

Funding Source(s):

Local Matching Requirement:

Funding Source(s):

Eligibility Criteria:

Priority Factors:

Specific Design Criteria:

Space Standards:

Recent or Pending Legal Actions:

MISSOURI

No state funded School Construction Assistance Programs.

Administering Agency:

Current Appropriation:

Dedicated Revenue:

Funding Source(s):

Local Matching Requirement:

Funding Source(s):

Eligibility Criteria:

Priority Factors:

Specific Design Criteria: No

Space Standards: No

Recent or Pending Legal Actions: No

MONTANA

Montana does not have any state operated School Construction Assistance Programs. All school construction and facility needs are the responsibility of the Local School Districts.

Administering Agency:

Current Appropriation:

Dedicated Revenue:

Funding Source(s):

Local Matching Requirement:

Funding Source(s):

Eligibility Criteria:

Priority Factors:

Specific Design Criteria:

Space Standards:

Recent or Pending Legal Actions:

NEBRASKA

No state funded School Construction Assistance Programs.

Administering Agency:

Current Appropriation:

Dedicated Revenue:

Funding Source(s):

Local Matching Requirement:

Funding Source(s):

Eligibility Criteria:

Priority Factors:

Specific Design Criteria: None other than Fire Marshall codes

Space Standards: None

Recent or Pending Legal Actions: None

OKLAHOMA

No state funded School Construction Assistance Programs.

Administering Agency:

Current Appropriation:

Dedicated Revenue:

Funding Source(s):

Local Matching Requirement:

Funding Source(s):

Eligibility Criteria:

Priority Factors:

Specific Design Criteria: None

Space Standards: Guidelines

Net Square Feet/Student

Elementary	28-36 SF/student
Middle	28-36 SF/student
High	28-30 SF/student

Recent or Pending Legal Actions: None

OREGON

No state funded School Construction Assistance Programs.

Administering Agency:

Current Appropriation:

Dedicated Revenue:

Funding Source(s):

Local Matching Requirement:

Funding Source(s):

Eligibility Criteria:

Priority Factors:

Specific Design Criteria: No

Space Standards: None

Recent or Pending Legal Actions: No

SOUTH DAKOTA

No state funded School Construction Assistance Programs.

Administering Agency:

Current Appropriation:

Dedicated Revenue:

Funding Source(s):

Local Matching Requirement:

Funding Source(s):

Eligibility Criteria:

Priority Factors:

Specific Design Criteria:

Space Standards:

Recent or Pending Legal Actions:

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